

Message Text

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PAGE 01 SANTIA 06179 172147Z
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C O N F I D E N T I A L SANTIAGO 6179

E. O. 11652: GDS
TAGS: PGOV, SHUM, PINT, CI
SUBJECT: PINOCHET RECEIVES CONSTITUTIONAL DRAFT

REF: SANTIAGO 3735

1. IN AN AUGUST 16 CEREMONY ATTENDED BY ALL KEY GOC FIGURES, CONSTITUTIONAL REFORM COMMITTEE CHAIRMAN ENRIQUE ORTUZAR PRESENTED PRESIDENT PINOCHET WITH THE LONG-AWAITED CONSTITUTIONAL DRAFT. THE 305 PAGE DOCUMENT CULMINATES SNAIL-PACED EFFORTS BEGUN FOUR AND ONE-HALF YEARS AGO. IN HIS REMARKS, ORTUZAR STATED THAT THE DRAFT CONTAINED TWO MAJOR ELEMENTS: ONE, OF A "GENERAL CHARACTER," TREATS THE PRINCIPLES GUIDING THE SCHEME OF GOVERNMENT; THE OTHER, MORE SPECIFIC, DETAILS "THE PRECISE IDEAS" OF THE NEW CONSTITUTIONAL ORDER.

2. AS EXPECTED, THE CONTENTS WERE NOT DISCLOSED AND WILL BE KEPT CONFIDENTIAL ("RESERVADO") AT LEAST UNTIL PINOCHET AND THE JUNTA HAVE HAD A FIRST LOOK. ACCORDING TO THE GAMEPLAN, THE DOCUMENT WILL GO TO THE COUNCIL OF STATE AND BACK TO THE COMMITTEE FOR FINAL TOUCH-UP BEFORE SUBMISSION AGAIN TO THE JUNTA FOR APPROVAL. THE FINAL VERSION IS TO BE PRESENTED TO THE VOTERS SOMETIME IN 1979.

3. PINOCHET THANKED THE COMMITTEE MEMBERS AND HARPED ON THE OFT-REPEATED THEME THAT THOSE WHO ATTACK THE GOC CONSTITUTIONAL

CONFIDENTIAL

PAGE 02 SANTIA 06179 172147Z

EFFORTS ONLY HARBOR AMBITIONS TO REGAIN POLITICAL POWER. WITH REFERENCE TO CHILE'S LONG DEMOCRATIC TRADITION, PINOCHET MAINTAINED THAT THE COUNTRY HAD NEVER DEPARTED FROM ITS INSTITUTIONAL OR LEGAL BASES. BUT, HE SAID, HOW A DEMOCRACY FUNCTIONS DEPENDS ON ITS INSTITUTIONS; RECREATION OF THE PRECISE INSTITUTIONS OF THE PAST WOULD LEAD AGAIN TO SOCIAL STRIFE AND VIOLENCE.

4. MEANWHILE, A GROUP OF 24 FORMER PARLIAMENTARIANS AND UNIVERSITY PROFESSORS -- MAINLY CHRISTIAN DEMOCRATS (PDC) AND SOCIAL DEMOCRATS (PSD, FORMERLY PIR) -- HAVE FORMED THEIR OWN CONSTITUTIONAL COMMISSION. IN A PUBLIC STATEMENT THE GROUP POINTED TO THE NEED-LESSLY LENGTHY PERIOD AFFORDED THE GOC CONSTITUTIONAL COMMITTEE AND CRITICIZED ITS TOTALLY PRO-GOC COMPOSITION AS CONSTITUTING A SHARP DEPARTURE FROM CHILEAN CONSTITUTIONAL TRADITION. THE GROUP'S CALL FOR A NEW CONSTITUTION APPEARS TO ENVISION A DOCUMENT CLOSER TO THE EXISTING 1925 MODEL THAN THE ORTUZAR DRAFT. THE GROUP ACCEPTS A GOVERNMENTAL ROLE FOR THE ARMED FORCES DURING "A TRANSITION PERIOD LEADING TO A DEMOCRATIC REGIME." IT HOPES TO HAVE ITS OWN PROPOSAL READY BY THE END OF 1978, TO BE AVAILABLE AT THE SAME TIME THE GOC DRAFT IS COMPLETED.

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